

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY COMPETITIVE SUPPLIER OF TELECOMMUNICATION SERVICE

Public Utilities Commission of Nevada

1150 E. William Street
Carson City, NV 89701-3109
Ph: (775) 684-6101 / Fax: (775) 684-6110



9075 W. Diablo Drive, Suite 250
Las Vegas, NV 89148-7674
Ph: (702) 486-7210 / Fax: (702) 486-7206

www.puc.nv.gov

In the matter of the Application of _____)
_____)
_____)
d/b/a _____))
_____ for a Certificate of Public)
Convenience and Necessity to operate as a competitive supplier)
Of telecommunication service within the State of Nevada.)
_____)

NOTE AND INSTRUCTIONS: It is the **Applicant's responsibility** to comply with all applicable statutes and regulations of the Public Utilities Commission of Nevada ("Commission"). The exhibits included herewith are intended to provide the Commission information required by the applicable sections of the Nevada Administrative Code ("NAC") Chapters 703 and 704 (containing the Rules of Practice and Procedure before the Commission.)

Pursuant to NAC 703.162, a draft public notice **must be filed** with this Application. A form of the draft public notice is included with this Application, which may either be filled in, or retyped, if it is in substantially the same format and provides the required information. The Application must be filed with a fee of \$200. The Application and filing fee may be mailed to the Assistant Commission Secretary, Public Utilities Commission of Nevada, 1150 E. William St., Carson City, NV 89701, or filed with the Commission electronically. Information related to registration for using the electronic filing system may be found on the Commission's website at <http://puc.nv.gov>.

Upon receipt, the Application will be reviewed for legal completeness and compliance with the applicable provisions of the Nevada Revised Statutes ("NRS") and the NAC. Upon acceptance of the filing, the Commission will publicly notice the Application pursuant to NAC 703.160. The public notice will allow approximately two weeks for public comment following the publication date. If the Applicant meets all procedural requirements, processing of the Application can usually be completed within 45 to 60 days. In the event that interventions are filed or discovery is required, a hearing date may be set to complete the investigation.

APPLICATION

Applicant, _____
respectfully requests permission to obtain a Certificate of Public Convenience and Necessity ("CPC") to operate as a competitive supplier of telecommunication service in Nevada under the provisions of the NRS and the NAC.

In support of its Application, and in accordance with the requirements of NRS 704.330 and NAC 704.7472, the Applicant is submitting the following exhibits and providing required information:

- (a) **Exhibit 1.** A statement of the type of telecommunication service presently being provided by the Applicant, or being proposed to be provided by the Applicant, and a general description of that service. (NAC 704.7472(1)(a))

Telecommunication service may include 1+ service, 800 service, prepaid or post-paid calling card service, local access telecommunication service to business and/or residential customers, data-only service, alternative operator service and operator service to inmate facilities. If the Applicant proposes to provide service using its own facilities, please include a brief description of the facilities.

- (b) **Exhibit 2.** A copy of Applicant's most recent annual financial statements, or if annual financial statements are not available, financial statements of the most recent quarterly period. (NAC 704.7472(1)(b))

- (c) **Exhibit 3.** A copy of the certificate issued by the Secretary of State of the State of Nevada which acknowledges that the provider has filed its Articles of Incorporation with the Secretary of State. (NAC 704.7472(1)(c))

- (d) **Exhibit 4.** A statement that (a) the Applicant is exempt from paying a performance bond because it will not offer prepaid service nor require customer deposits or advance payments or, (b) if Applicant will offer prepaid services and require advance payment or deposits, Applicant shall provide proof that a performance bond has been obtained in an amount which is sufficient to cover deposits and advance payments paid by customers. (NAC 704.7472(1)(d))

Forms for providing proof that performance bond(s) have been obtained can be found on the Commission's website. The Applicant must file the **ORIGINAL** performance bond(s) with the Commission.

- (e) **Exhibit 5.** A toll-free telephone number that customers will be given for contacting Applicant regarding the establishment of service, complaints, and queries about service and billing, and all other customer service matters. (NAC 704.7472(1)(e))
- (f) **Exhibit 6.** A statement of facts sufficient to establish that Applicant possesses the necessary technical capability to provide the proposed service (NAC 704.7472(1)(f).)
- (g) **Exhibit 7.** A statement that (a) Applicant is not doing business and does not intend to do business in this state under an assumed or fictitious name, or (b) if Applicant is doing business or intends to do business in this state under an assumed or fictitious name, then the Applicant shall attach as **Exhibit 8**, an Affidavit stating the names of the counties in the state in which Applicant is or intends to do business using an assumed or fictitious name. Additionally, Applicant shall attach as **Exhibit 9**, a copy of each certificate that the supplier has filed or intends to file pursuant to Chapter 602 of the NRS with the county clerk of each county in which the provider is doing business or intends to do business, or a statement that conforms to the requirements of NRS 602.020, if the supplier is not otherwise subject to the provisions of Chapter 602 of the NRS. (NAC 704.7472(1)(g))
- (h) **Exhibit 10.** A statement indicating the areas to be served by the Applicant, including an identification of the certificated service areas served by a small-scale provider of last resort (NRS 704.330(7) and NAC 704.7472(h)). This statement and respective requirements are further explained in the template attached to this Application.
- (i) **Exhibit 11.** A statement indicating whether the Applicant is providing, or intends to provide local access telecommunication service, for purposes of assessing a legislatively mandated surcharge for the program to provide devices for telecommunication (also known as Telecommunications Display Devices, or TDDs) to persons with impaired speech or hearing, in accordance with NRS 426.295 and NAC 707.020. A template form for this statement is attached to this Application.
- (j) **Exhibit 12.** A draft public notice, pursuant to NAC 703.162. A template form for the draft public notice is attached to this Application.

WHEREFORE, Applicant requests that the Commission enter an order granting the certificate requested.

EXECUTED AT _____ this _____ day of _____, 20 _____
(city and state)

Signature of Attorney for Applicant (if any):

Signature of Applicant:

Signature

Signature

Printed Name

Printed Name

Title

Title

Address

Address

City, State, Zip

City, State, Zip

Telephone

Telephone

Extension

Extension

FAX

FAX

Email Address

Email Address

EXHIBIT 10

AREAS TO BE SERVED, INCLUDING CERTIFICATED AREAS SERVED BY SMALL-SCALE PROVIDERS OF LAST RESORT

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Pursuant to NAC 704.7472(h), the Applicant must indicate the areas to be served and identify any certificated service areas served by small-scale providers of last resort (as defined by NRS 704.023) where the applicant intends to provide service.

- A. Please generally describe the area(s) of Nevada in which the Applicant intends to provide service (i.e. Las Vegas, Reno, Carson City, Elko, etc.).
- B. Please indicate in which, if any, certificated service areas served by small-scale providers of last resort the Applicant will be providing service. (A map delineating the service territories for all Nevada providers of last resort can be found on the website of the Nevada Telecommunications Association at <http://nevtelassn.org/Images/TELE-MAP-2010-final.pdf>.)
- ☐ Frontier Communications of the Southwest Inc.
 - ☐ Citizens Telecommunications Company of Nevada d/b/a Frontier Communications of Nevada
 - ☐ Oregon – Idaho Utilities, Inc. d/b/a Humboldt Telephone Company
 - ☐ Rural Telephone Company
 - ☐ Beehive Telephone Co., Inc., Nevada
 - ☐ C.C. Communications
 - ☐ Filer Mutual Telephone Company
 - ☐ CenturyTel of the Gem State, Inc. d/b/a CenturyLink
 - ☐ Lincoln County Telephone System, Inc.
 - ☐ Rio Virgin Telephone Company d/b/a Reliance Connects
 - ☐ Moapa Valley Telephone Company

EXHIBIT 11

STATEMENT RELATED TO LOCAL ACCESS LINES FOR PURPOSES OF MAKING
AN ASSESSMENT PURSUANT TO NRS 427A.797 AND NAC 707.020

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Note: The Commission is required by statute (NRS 427A.797) to assess a surcharge for every local telecommunication access line in the State of Nevada. The monies collected from this surcharge are deposited into the Account for Services for Persons With Impaired Speech or Hearing within the General Fund of the State of Nevada, and used to fund programs to provide devices for telecommunication (or Telecommunications Display Devices) to Persons with Impaired Speech or Hearing and other programs for the deaf and hard of hearing. The Commission's regulations implementing the statute are contained at NAC 707.010-707.050 and provide for an annual assessment to be made upon each access line of each customer to the local exchange of any telephone company providing such lines in the State of Nevada and on wireless telecommunications companies offering local access telecommunication service within Nevada.

Applicant for a Certificate of Public Convenience and
Necessity ("CPC") to become a Competitive Supplier of Telecommunication Service in the State of Nevada, hereby states that

(A) _____ Applicant does not provide, and does not intend to provide any local access telecommunication service within the State of Nevada, and is therefore exempt from being assessed a surcharge by the Commission pursuant to the requirements of NRS 427A.797 and NAC 707.020.

(B) _____ Applicant currently provides local access telecommunication service, or intends to provide local access telecommunication service upon receipt of a CPC.

Applicant understands that if it has checked "A" and in the future elects to provide local access telecommunication service, or has checked "B" but later elects to discontinue providing local access telecommunication service, it is the Applicant's responsibility and obligation to inform the Commission of this change, and by signing this form, the Applicant agrees to those terms as a condition of obtaining and maintaining its CPC.

Signed

Position/Title

Date

EXHIBIT 12
DRAFT NOTICE

(Application for Certificate of Public Convenience and Necessity for
Competitive Supplier of Telecommunication Service only)

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Pursuant to Nevada Administrative Code ("NAC") 703.162, the Commission requires that a draft notice be included with all applications, tariff filings, complaints and petitions. Please complete and include **ONE COPY** of this form with your filing. (Completion of this form may require the use of more than one page.)

A title that generally describes the relief requested (see NAC 703.160 (4) (a)):

Obtaining a Certificate of Public Convenience and Necessity to be a Competitive Supplier of Telecommunication Service within the State of Nevada.

The name of the applicant, complainant, petitioner or the name of the agent for the applicant, complainant or petitioner (see NAC 703.160 (4) (b)):

A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled **AND** the effect of the relief or proceeding upon consumers (see NAC 703.160 (4) (c)):

A statement indicating whether a consumer session is required to be held pursuant to Nevada Revised Statute ("NRS") 704.069(1)¹:

None required.

If the draft notice pertains to a tariff filing, please include the tariff number **AND** the section number(s) or schedule number(s) being revised.

Not Applicable.

¹ NRS 704.069 states in pertinent part:

1. The Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110 inclusive, in which:
 - (a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale or an application to clear its deferred accounts; and
 - (b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.